UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,417	05/23/2001	David Chesavage	010337	3852

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EXAMINER
MILLER, BRANDON J

ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	12/29/2006	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/29/2006.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 9/25/2006.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 26-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 26-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 August 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 14, 18, 20, and 26-28 are rejected under 35 U.S.C. 102(e) as being

anticipated by Adachi (US 6,877,037 B1).

Regarding claim 1 Adachi teaches a system for maintaining data objects distributed on a

network (see col. 1, lines 48-50). Adachi teaches a network controller coupled to the network

and operable to enable data communications including the transmission of a data object update

message and a corresponding data object update version sequence number ("OVSN") after

receipt of an update request message from a wireless communication device (see col. 1, lines 57-

65 and FIG. 1 & FIG. 6). Adachi teaches a data object being capable of different meanings and

different values in connection with the receipt of the data object update message (see col. 1, lines

65-67 and col. 2, lines 1-2, updated data and version number relates to data object with different

meanings and different values because when the data and version number are updated they have

different meanings and values with respect to the previously stored data and version number).

Adachi teaches a receiver coupled to the network and operable to enable data communications

with the network controller (col. 3, lines 21-24 and FIG. 2). Adachi teaches the receiver

including a memory for storing a data object based on the data object update message and the

OVSN (see col. 1, lines 65-67, col. 2, lines 1-2 and FIG. 2). Adachi teaches a processor coupled

to the memory and operable to include a last received OVSN in the update request message (see

col. 1, lines 51-57).

Regarding claim 2 Adachi teaches a memory for storing the data object based on the data

object update message transmitted to the receiver and a corresponding OVSN (see col. 1, lines

57-58 and col. 4, lines 43-44 & 48-52).

Regarding claim 3 Adachi teaches a memory for storing the data object based on the data

object update message transmitted to a plurality of receivers that includes the receiver and a

corresponding OVSN (see col. 5, lines 59-67).

Regarding claim 4 Adachi teaches incrementing the OVSN for each data object update

message transmitted to the receiver (see col. 7, lines 25-29).

Regarding claim 6 Adachi teaches including the latest received OVSN in a message to

the network controller (see col. 1, lines 55-57).

Regarding claim 7 Adachi teaches wherein the receiver is a wireless communication

device and the network is a wireless network (see col. 3, lines 3-10).

Regarding claim 14 Adachi teaches a receiver for communicating data signals using a

network (see col. 3, lines 21-24 and FIG. 2). Adachi teaches a transceiver coupled to the

network and operable to receive data communications (see col. 3, lines 21-24 and FIG. 2).

Adachi teaches a memory coupled to the transceiver for storing data objects and data object

message version sequence numbers (OVSN) transmitted from a network controller in a data

communication to the receiver (see col. 1, lines 65-67, col. 2, lines 1-2 and FIG.2). Adachi

teaches a data object being capable of different meanings and different values in connection with

the receipt of the data object update message (see col. 1, lines 65-67 and col. 2, lines 1-2,

updated data and version number relates to data object with different meanings and different

values because when the data and version number are updated they have different meanings and

values with respect to the previously stored data and version number). Adachi teaches a

processor coupled to the memory and transceiver and operable to include the last received OVSN

in a data request message to the network controller (see col. 1, lines 51-57).

Regarding claim 18 Adachi teaches a method of maintaining a distributed object system

using a network (see col. 1, lines 48-50). Adachi teaches receiving a data object message with a

data object update version sequence number (OVSN) from a network controller (see col. 1, lines

65-67 and col. 2, lines 1-2). Adachi teaches storing data objects on the data object update

message and the OVSN; and transmitting the last received OVSN in a subsequent data update

request to a network controller (see col. 1, lines 51-57 and FIG. 2). Adachi teaches a data object

being capable of different meanings and different values in connection with the receipt of the

data object update message (see col. 1, lines 65-67 and col. 2, lines 1-2, updated data and version

number relates to data object with different meanings and different values because when the data

and version number are updated they have different meanings and values with respect to the

previously stored data and version number).

Regarding claim 20 Adachi teaches a method of maintaining a distributed object system

using a network (see col. 1, lines 48-50). Adachi teaches receiving a message from a wireless

communication device, the message comprising an object version sequence number (OVSN), the

OVSN representing a first state of a data object relating to the wireless communication device

(see col. 1, lines 51-57). Adachi teaches comparing the OVSN with a local OVSN, the local

OVSN representing a second state of the data object (see col. 1, lines 57-61). Adachi teaches

transmitting updated data to the wireless communication device if the OVSN is not equal to the

local OVSN (see col. 61-67). Adachi teaches updated data being capable of imparting different

meanings and different values to at least one data object (see col. 1, lines 65-67 and col. 2, lines

1-2, updated data and version number relates to data object with different meanings and different

values because when the data and version number are updated they have different meanings and

values with respect to the previously stored data and version number).

Regarding claim 26 Adachi teaches wherein in the updated data object comprises all data

objects (see col. 1, lines 48-50)

Regarding claim 27 Adachi teaches comparing the OVSN with the local OVSN is

performed at a network controller (see col. 1, lines 59-62).

Regarding claim 28 Adachi teaches a device as recited in claim 27 and is rejected given

the same reasoning as given above.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi

(US 6,877,037 B1) in view LaDue (US 6,285,868 B1).

Regarding claim 5 Adachi teaches a device as recited in claim 1 except for data object

represented in an encoded message. LaDue teaches a data object represented in an encoded

message (see abstract and col. 30, lines 32-37). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to make the invention adapt to include a data

object represented in an encoded message because this would allow for the transmission of

application specific data using manipulated data.

Regarding claim 8 Adachi teaches a device as recited in claim 6 except for decoding a message from a receiver, where the message references a data object and includes the receiver's OVSN. Adachi does teach a message that references a data object and includes the receiver's OVSN (see col. 1, lines 61-64). LaDue teaches decoding a message from a receiver, where the message references a data object (see abstract and col. 30, lines 32-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include decoding a message from a receiver, where the message references a data object and includes the receiver's OVSN because this would allow for the transmission of application specific data using manipulated data.

Claims 9-10, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi (US 6,877,037 B1) in view Sakakura (US 6,389,423 B1).

Regarding claim 9 Adachi teaches a device as recited in claim 4 except for wherein the network controller discards messages from the receiver when the receiver's OVSN is less than the last OVSN sent to the receiver. Sakakura teaches discarding messages from a receiver when a receiver's data object update sequence number is less than a last data object update sequence number (see col. 9, lines 59-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include wherein the network controller discards messages from the receiver when the receiver's OVSN is less than the last OVSN sent to the receiver because this would allow for a more efficient method of maintaining and controlling data in a network.

Regarding claim 10 Sakakura teaches a data object that represents a macro message and has a data object number (see col. 8, lines 55-60 and col. 14, lines 48-50).

Regarding claim 15 Adachi teaches a device as recited in claim 14 except for including

the largest received OVSN in a message to the network controller. Sakakura teaches including a

large received object version sequence number in a message to a network controller (see col. 9,

lines 39-44 and col. 14, lines 48-50). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to make the invention adapt to include including the

largest received OVSN in a message to the network controller because this would allow for a

more efficient method of maintaining and controlling data in a network.

Claims 11-13, 16-17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Adachi (US 6,877,037 B1) in view Sakakura (US 6,389,423 B1) and LaDue (US 6,285,868 B1).

Regarding claim 11 Adachi and Sakakura teach a device as recited in claim 10 except for

the receiver is further operable to transmit the data object version number to represent the

version of the encoded message in a message to the network controller. Adachi does teach the

receiver is further operable to transmit the data object version number to represent the version

of the encoded message in a message to the network controller (see col. 1, lines 51-57). LaDue

teaches an encoded message (see abstract and col. 30, lines 32-37). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to make the

invention adapt to include the receiver is further operable to transmit the data object version

number to represent the version of the encoded message in a message to the network controller

because this would allow for the transmission of application specific data using manipulated

data.

Regarding claim 12 Adachi, Sakakura, and LaDue teach a device as recited in claim 11

except for decoding the encoded message based on the data object version number received

from the receiver. LaDue does teach decoding an encoded message (see abstract and col. 30, lines 32-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include decoding the encoded message based on the data object version number received from the receiver because this would allow for the transmission of application specific data using manipulated data.

Regarding claim 13 Adachi teaches sending data object update messages and corresponding data object update sequence number to the receiver based on an update sequence number included in a message from a receiver (see col. 1, lines 59-65).

Regarding claim 16 LaDue teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 17 Adachi, Sakakura, and LaDue teach a device as recited in claim 16 except for using the data object to use the data object number in a message to the network controller to identify a version of the encoded messages. Sakakura does teach using a data object number in a message to a network controller to identify a version of date message (see abstract and col. 8, lines 40-48). LaDue does teach decoding an encoded message (see abstract and col. 30, lines 32-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include using the data object to use the data object number in a message to the network controller to identify a version of the encoded messages because this would allow for the transmission of application specific data using manipulated data.

Regarding claim 19 LaDue teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 14, 18, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 14, and 18 "data object being capable of different meanings and different values in connection with the receipt of the data object update message" is not described in the specification and it is therefore unclear what is meant by the terms "different meanings" and "different values".

Regarding claim 20 "updated data being capable of imparting different meanings and different values to at least one data object " is not described in the specification and it is therefore unclear what is meant by the terms "different meanings" and "different values".

The above art rejection is based on the best possible interpretation of the claim language.

Response to Arguments

Applicant's arguments filed 9/25/2006 have been fully considered but they are not persuasive.

Regarding claims 1, 14, 18, and 20 Adachi teaches a data object being capable of different meanings and different values in connection with the receipt of the data object update

message (see col. 1, lines 65-67 and col. 2, lines 1-2, updated data and version number relates to

data object with different meanings and different values because when the data and version

number are updated they have different meanings and values with respect to the previously

stored data and version number).

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., "telematics")

are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van

Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
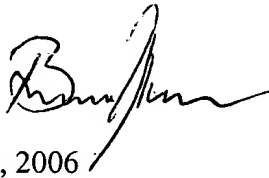
Sugita US Patent Number: 6,075,778 discloses a radio communication system, method of radio communication for information provision service, and mobile radio station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.
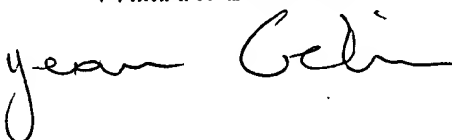
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER

December 19, 2006